UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-46* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *27-46* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the amendment filed on September 22, 2008.

2.   **Claims 27-46** are pending.

3.   **Claims 27-46** have been amended.

4.   The objections to Claims 27-46 are withdrawn in view of Applicant's amendments to the

claims.

Response to Amendment

Claim Objections

5.   **Claim 29** is objected to because of the following informalities:

*   **Claim 29** recites the limitation "the computer-implemented application program

    interface." Applicant is advised to change this limitation to read "the computer-

    implemented API" for the purpose of keeping the claim language consistent throughout

    the claims.

    Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 27-31, 34, 36-39, and 42-44** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **US 7,062,567 (hereinafter "Benitez")** in view of **US 6,442,754 (hereinafter**

"Curtis").

        As per **Claim 27**, <u>Benitez</u> discloses:

-      invoke a deployment manifest to obtain manifest metadata about an application for

the purpose of installing the application on a client computing system *(see Column 9: 60-67, "e.*

Application File Pages 111—This is the one of the outputs of the "builder" as explained below

and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f.

Stream App Install Blocks 112—This is the other output of the "builder" and contains the

information for successfully installing applications on the client for streaming applications.";

Column 14: 15-19, "Whenever the user chooses to install an application, the Client License

Manager 608 passes the request to the Client Application Installer 607 along with the name of

the Stream App Install Block to be obtained from the Application Server 107.");

-      receive the manifest metadata about the application *(see Column 14: 27-32, "The*

Application Stream Builder creates the Stream App Install Block 405 used to set up a client

system for Streaming Application Delivery and Execution and it also creates the set of

Application File Pages 406 sent to satisfy client requests by the Application Server 107.");

-      determine whether the application is authorized for installation on the client

computing system *(see Column 13: 57-67, "The License Server 106 checks the Subscription 101*

and License 102 Databases and, if the user has the right to hold the license at the current time, it

sends back an Access Token, which represents the right to use the license."); and

-    enable the application to be installed on the client computing system, wherein during the enabled installation, the application is available for use while being installed *(see Column 12: 6-21, "Client Application Installer 305—This component is invoked when the application needs to be installed. The Client Application Installer 305 sends a specific request to the Application Server 107 for getting the Stream App Install Block 301 for the particular application that needs to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run immediately by retrieving application file contents from the server as they are needed, not as the application is installed. This removes the download cost penalty of doing local installations of the application.")*.

However, <u>Benitez</u> does not disclose:

-    issue a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system; and

-    receive the install state of the necessary platform present on the client computing system.

<u>Curtis</u> discloses:

-    issue a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system *(see Column 3: 61-67, "The program then executes the operating system command to determine whether the dependent components indicated in the dependency objects are installed in the computer.")*; and

-    receive the install state of the necessary platform present on the client computing system *(see Column 3: 61-67, "An indication is made as to the dependent components that are not installed after determining that dependent components are not installed.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Curtis</u> into the teaching of <u>Benitez</u> to include

issue a query of an install state of the client computing system to determine whether a platform

necessary to the application is present on the client computing system; and receive the install

state of the necessary platform present on the client computing system. The modification would

be obvious because one of ordinary skill in the art would be motivated to check whether

dependent components are installed in the client system when installing a program *(see <u>Curtis</u> –*

Column 3: 44-48).

As per **Claim 28**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further

discloses:

-   wherein the manifest metadata includes information sufficient to describe the

application *(see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs*

of the "builder" as explained below and is put on the Application Server 107 so that it can serve

the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of

the "builder" and contains the information for successfully installing applications on the client

for streaming applications."; Column 14: 15-19, "Whenever the user chooses to install an

application, the Client License Manager 608 passes the request to the Client Application

Installer 607 along with the name of the Stream App Install Block to be obtained from the

Application Server 107.").

As per **Claim 29**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the computer-implemented API receives a parameter that identifies the application *(see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications."; Column 14: 15-19, "Whenever the user chooses to install an application, the Client License Manager 608 passes the request to the Client Application Installer 607 along with the name of the Stream App Install Block to be obtained from the Application Server 107.").*

As per **Claim 30**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the computer-implemented API invokes a deployed application identity to obtain the manifest metadata about the application *(see Column 9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as explained below and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and contains the information for successfully installing applications on the client for streaming applications."; Column 14: 15-19, "Whenever the user chooses to install an application, the Client License Manager 608 passes*

the request to the Client Application Installer 607 along with the name of the Stream App Install

Block to be obtained from the Application Server 107.").

As per **Claim 31**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further

discloses:

- wherein the computer-implemented API invokes both a deployment manifest and a

deployed application identity to obtain the manifest metadata about the application *(see Column*

9: 60-67, "e. Application File Pages 111—This is the one of the outputs of the "builder" as

explained below and is put on the Application Server 107 so that it can serve the appropriate bits

to the client. f. Stream App Install Blocks 112—This is the other output of the "builder" and

contains the information for successfully installing applications on the client for streaming

applications."; Column 14: 15-19, "Whenever the user chooses to install an application, the

Client License Manager 608 passes the request to the Client Application Installer 607 along with

the name of the Stream App Install Block to be obtained from the Application Server 107.").

As per **Claim 34**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further

discloses:

- wherein the computer-implemented API will generate a set of authorization

parameters for an authorized application *(see Column 13: 57-67, "The License Server 106 checks*

the Subscription 101 and License 102 Databases and, if the user has the right to hold the license

at the current time, it sends back an Access Token, which represents the right to use the

license.").

As per **Claim 36**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the platform comprises one or more software modules upon which the application depends that are not part of the application *(see Column 7: 7-22, "… there are certain shared library files, e.g., "foo.dll", that need to be installed on the local file system, e.g., "c:\winnt\system32\foo.dll", for the application to execute.").*

As per **Claim 37**, the rejection of **Claim 36** is incorporated; and <u>Benitez</u> further discloses:

- wherein the platform further comprises one or more software modules that cannot be installed as part of the installation of the application *(see Column 7: 7-22, "For the previous example, the spoof database would contain an entry saying that "c:\winnt\system32\foo.dll" is mapped to "z:\word\winnt\system32\foo.dll" where "z:" implies that this file is accessed by the Client Streaming File System. The Client Spoofer will then redirect all accesses to "c:\winnt\system32\foo.dll" to "z:\word\winnt\system32\foo.dll". In this manner, the client system gets the effect of the file being on the local machine whereas in reality the file is streamed from the server.").*

As per **Claim 38**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the platform is identified in an application manifest associated with the application *(see Column 7: 7-9, "The invention employs a Client Streaming File System that is used to manage specific application-related file accesses during the execution of an application.")*.

As per **Claim 39**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the computer-implemented API includes verifying a version associated with the platform *(see Column 17: 23-33, "If certain code segments need to be updated, then the code segment listing in the application root directory is simply changed and the new code segment subdirectory added. This results in the new and correct code segment subdirectory being read when it is referenced.")*.

As per **Claim 42**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further discloses:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a license associated with the application *(see Column 13: 57-67, "The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.")*.

As per **Claim 43**, the rejection of **Claim 27** is incorporated; and <u>Benitez</u> further

discloses:

- wherein the computer-implemented API includes determining if a version of the

application already exists on the client computing system *(see Column 21: 17-28, "When*

retrieving an old file that hasn't changed, it will find the old file identifier, which can be used for

the existing files in the cache. In this way, files that do not change can be reused from the cache

without downloading them again.").

As per **Claim 44**, the rejection of **Claim 43** is incorporated; and <u>Benitez</u> further

discloses:

- wherein the computer-implemented API includes downloading at least one resource

associated with the application if the application does not exist on the client computing system

(see Column 14: 15-26, "The Client Application Installer 607 opens and reads that file (which

engages the Client Streaming File System) and updates the Client system appropriately,

including setting up the spoof database, downloading certain needed non-application-specific

files, modifying the registry file, and optionally providing a list of applications pages to be

prefetched to warm up the Client Stream Cache 611 with respect to the application.").

8.   **Claims 32 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Benitez in view of **Curtis** as applied to Claim 27 above, and further in view of **US 6,496,979**

(hereinafter "Chen").

As per **Claim 32**, the rejection of **Claim 27** is incorporated; however, <u>Benitez</u> and <u>Curtis</u> do not disclose:

- wherein the computer-implemented API will abort the installation of the application if the platform is not present.

<u>Chen</u> discloses:

- wherein the computer-implemented API will abort the installation of the application if the platform is not present *(see Column 11: 43-51, "… the installer module 99 can provide an indication to the user that the setup package file contains files that were compiled for a mobile device different than the current one and let the user continue or cancel the installation.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of <u>Chen</u> into the teaching of <u>Benitez</u> to include wherein the computer-implemented API will abort the installation of the application if the platform is not present. The modification would be obvious because one of ordinary skill in the art would be motivated to resolve problems before the application setup program is in its final product state *(see <u>Chen</u> – Column 2: 21-28)*.

As per **Claim 33**, the rejection of **Claim 32** is incorporated; however, <u>Benitez</u> and <u>Curtis</u> do not disclose:

- wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application.

<u>Chen</u> discloses:

- wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application *(see Column 10: 55-61, "… determines that the map viewer is not installed and displays an error message …")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen into the teaching of Benitez to include wherein the computer-implemented API will return error information in conjunction with aborting the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to provide debugging information.

9.   **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez** in view of **Curtis** as applied to Claim 34 above, and further in view of **US 6,931,546 (hereinafter "Kouznetsov")** and **US 2002/0104015 (hereinafter "Barzilai")**.

As per **Claim 35**, the rejection of **Claim 34** is incorporated; and Benitez further discloses:

- wherein the set of authorization parameters comprise at least license keys *(see Column 13: 57-67, "The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user has the right to hold the license at the current time, it sends back an Access Token, which represents the right to use the license.")*.

However, Benitez and Curtis do not disclose:

- wherein the set of authorization parameters comprise at least permission grants and privacy policy guarantees.

Kouznetsov discloses:

- wherein the set of authorization parameters comprises at least permission grants *(see Column 4: 35-38, "The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov into the teaching of Benitez to include wherein the set of authorization parameters comprises at least permission grants. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

Barzilai discloses:

- wherein the set of authorization parameters comprises at least privacy policy guarantees *(see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extend permitted by privacy policies.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barzilai into the teaching of Benitez to include wherein the set of authorization parameters comprises at least privacy policy guarantees. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

10.   **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez** in view

of **Curtis** as applied to Claim 27 above, and further in view of **Kouznetsov**.

        As per **Claim 40**, the rejection of **Claim 27** is incorporated; however, Benitez and Curtis

do not disclose:

-       wherein the determination of the authorization comprises determining whether the

installation of the application exceeds a trust level associated with a source of the application.

        Kouznetsov discloses:

-       wherein the determination of the authorization comprises determining whether the

installation of the application exceeds a trust level associated with a source of the application

(see Column 4: 35-38, "The agent includes methods for authenticating any received requests and

will only forward a request to the privileged process upon determining that the requesting

application has sufficient trust.").

        Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Kouznetsov into the teaching of Benitez to

include wherein the determination of the authorization comprises determining whether the

installation of the application exceeds a trust level associated with a source of the application.

The modification would be obvious because one of ordinary skill in the art would be motivated

to guard access to privileged processes *(see Kouznetsov – Column 3: 43-44)*.

11.   **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez** in view

of **Curtis** as applied to Claim 27 above, and further in view of **Barzilai**.

As per **Claim 41**, the rejection of **Claim 27** is incorporated; however, <u>Benitez</u> and <u>Curtis</u> do not disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system.

<u>Barzilai</u> discloses:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system *(see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extend permitted by privacy policies.").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of <u>Barzilai</u> into the teaching of <u>Benitez</u> to include wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the client computing system. The modification would be obvious because one of ordinary skill in the art would be motivated to protect private information *(see <u>Barzilai</u> – Paragraph [0004]).*

12.   **Claim 45** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez** in view of **Curtis** and **Chen**.

As per **Claim 45**, <u>Benitez</u> discloses:

-   invoke a deployment manifest to obtain manifest metadata about an application for
the purpose of installing the application on a client computing system *(see Column 9: 60-67, "e.*
Application File Pages 111—This is the one of the outputs of the "builder" as explained below
and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f.
Stream App Install Blocks 112—This is the other output of the "builder" and contains the
information for successfully installing applications on the client for streaming applications.";
Column 14: 15-19, "Whenever the user chooses to install an application, the Client License
Manager 608 passes the request to the Client Application Installer 607 along with the name of
the Stream App Install Block to be obtained from the Application Server 107.");

-   receive the manifest metadata about the application *(see Column 14: 27-32, "The*
Application Stream Builder creates the Stream App Install Block 405 used to set up a client
system for Streaming Application Delivery and Execution and it also creates the set of
Application File Pages 406 sent to satisfy client requests by the Application Server 107.");

-   determine whether the application is authorized for installation on the client
computing system *(see Column 13: 57-67, "The License Server 106 checks the Subscription 101*
and License 102 Databases and, if the user has the right to hold the license at the current time, it
sends back an Access Token, which represents the right to use the license."); and

-   enable the application to be installed on the client computing system, wherein during
the enabled installation, the application is available for use while being installed *(see Column 12:*
6-21, "Client Application Installer 305—This component is invoked when the application needs
to be installed. The Client Application Installer 305 sends a specific request to the Application

Server 107 for getting the Stream App Install Block 301 for the particular application that needs

to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run

immediately by retrieving application file contents from the server as they are needed, not as the

application is installed. This removes the download cost penalty of doing local installations of

the application.").

However, <u>Benitez</u> does not disclose:

-   issue a query of an install state of the client computing system to determine whether a

platform necessary to the application is present on the client computing system, wherein the

installation of the application is aborted if the platform is not present and error information is

returned in conjunction with aborting the installation of the application; and

-   receive the install state of the necessary platform present on the client computing

system.

<u>Curtis</u> discloses:

-   issue a query of an install state of the client computing system to determine whether a

platform necessary to the application is present on the client computing system *(see Column 3:*

61-67, "The program then executes the operating system command to determine whether the

dependent components indicated in the dependency objects are installed in the computer."); and

-   receive the install state of the necessary platform present on the client computing

system *(see Column 3: 61-67, "An indication is made as to the dependent components that are*

not installed after determining that dependent components are not installed.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Curtis</u> into the teaching of <u>Benitez</u> to include

issue a query of an install state of the client computing system to determine whether a platform

necessary to the application is present on the client computing system; and receive the install

state of the necessary platform present on the client computing system. The modification would

be obvious because one of ordinary skill in the art would be motivated to check whether

dependent components are installed in the client system when installing a program *(see Curtis –*

Column 3: 44-48).

Chen discloses:

- wherein the installation of the application is aborted if the platform is not present and

error information is returned in conjunction with aborting the installation of the application *(see*

Column 10: 55-61, "… determines that the map viewer is not installed and displays an error

message …"; Column 11: 43-51, "… the installer module 99 can provide an indication to the

user that the setup package file contains files that were compiled for a mobile device different

than the current one and let the user continue or cancel the installation.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Chen into the teaching of Benitez to include

wherein the installation of the application is aborted if the platform is not present and error

information is returned in conjunction with aborting the installation of the application. The

modification would be obvious because one of ordinary skill in the art would be motivated to

resolve problems before the application setup program is in its final product state *(see Chen –*

Column 2: 21-28).

13.   **Claim 46** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Benitez** in view

of **Curtis**, **Kouznetsov**, and **Barzilai**.

        As per **Claim 46**, <u>Benitez</u> discloses:

-       invoke a deployment manifest to obtain manifest metadata about an application for

the purpose of installing the application on a client computing system *(see Column 9: 60-67, "e.*

Application File Pages 111—This is the one of the outputs of the "builder" as explained below

and is put on the Application Server 107 so that it can serve the appropriate bits to the client. f.

Stream App Install Blocks 112—This is the other output of the "builder" and contains the

information for successfully installing applications on the client for streaming applications.";

Column 14: 15-19, "Whenever the user chooses to install an application, the Client License

Manager 608 passes the request to the Client Application Installer 607 along with the name of

the Stream App Install Block to be obtained from the Application Server 107.");

-       receive the manifest metadata about the application *(see Column 14: 27-32, "The*

Application Stream Builder creates the Stream App Install Block 405 used to set up a client

system for Streaming Application Delivery and Execution and it also creates the set of

Application File Pages 406 sent to satisfy client requests by the Application Server 107.");

-       determine whether the application is authorized for installation on the client

computing system, wherein the computer-implemented API will generate a set of authorization

parameters for an authorized application comprising at least license keys *(see Column 13: 57-67,*

"The License Server 106 checks the Subscription 101 and License 102 Databases and, if the user

has the right to hold the license at the current time, it sends back an Access Token, which

represents the right to use the license."); and

- enable the application to be installed on the client computing system, wherein during

the enabled installation, the application is available for use while being installed *(see Column 12:*

6-21, "Client Application Installer 305—This component is invoked when the application needs

to be installed. The Client Application Installer 305 sends a specific request to the Application

Server 107 for getting the Stream App Install Block 301 for the particular application that needs

to be installed."; Column 15: 58-63, "The streaming file system allows applications to be run

immediately by retrieving application file contents from the server as they are needed, not as the

application is installed. This removes the download cost penalty of doing local installations of

the application.").

However, <u>Benitez</u> does not disclose:

- issue a query of an install state of the client computing system to determine whether a

platform necessary to the application is present on the client computing system;

- receive the install state of the necessary platform present on the client computing

system; and

- wherein the computer-implemented API will generate a set of authorization

parameters for an authorized application comprising at least permission grants and privacy policy

guarantees.

<u>Curtis</u> discloses:

- issue a query of an install state of the client computing system to determine whether a

platform necessary to the application is present on the client computing system *(see Column 3:*

61-67, "The program then executes the operating system command to determine whether the

dependent components indicated in the dependency objects are installed in the computer."); and

- receive the install state of the necessary platform present on the client computing

system *(see Column 3: 61-67, "An indication is made as to the dependent components that are*

not installed after determining that dependent components are not installed.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Curtis</u> into the teaching of <u>Benitez</u> to include

issue a query of an install state of the client computing system to determine whether a platform

necessary to the application is present on the client computing system; and receive the install

state of the necessary platform present on the client computing system. The modification would

be obvious because one of ordinary skill in the art would be motivated to check whether

dependent components are installed in the client system when installing a program *(see <u>Curtis</u> –*

Column 3: 44-48).

<u>Kouznetsov</u> discloses:

- wherein the computer-implemented API will generate a set of authorization

parameters for an authorized application comprising at least permission grants *(see Column 4:*

35-38, "The agent includes methods for authenticating any received requests and will only

forward a request to the privileged process upon determining that the requesting application has

sufficient trust.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Kouznetsov</u> into the teaching of <u>Benitez</u> to

include wherein the computer-implemented API will generate a set of authorization parameters

for an authorized application comprising at least permission grants. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

Barzilai discloses:

-       wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least privacy policy guarantees *(see Paragraph [0072], "An application request handler 50 receives and processes information requests from application 36 and returns information that is provided by personal information engine 44, to the extend permitted by privacy policies.")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barzilai into the teaching of Benitez to include wherein the computer-implemented API will generate a set of authorization parameters for an authorized application comprising at least privacy policy guarantees. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

Response to Arguments

14.   Applicant's arguments filed on September 22, 2008 have been fully considered, but they are not persuasive.

In the Remarks, Applicant argues:

a)   As can be seen from reading Curtis, the operating system "determines whether the dependent components indicated in the dependency object are installed in the computer." (See Curtis, Col. 3, lines 60-67). This is different than the present claim. Independent claim 27 requires issuing "a query of an install state of the client computing system to determine whether a platform necessary to the application is present on the client computing system."

A platform, as described in the present application, comprises "any software upon which the application depends but cannot be installed as part of the deployed application install." (See Specification, p. 17, lines 11-25). Curtis fails to teach or suggest that the dependent components indicated in the dependency object cannot be installed as part of the deployed application install.

Examiner's response:

a)   Examiner disagrees. Applicant's arguments are not persuasive for at least the following reasons:

First, with respect to the Applicant's assertion that a platform, as described in the specification, comprises "any software upon which the application depends but cannot be installed as part of the deployed application install," the Examiner first submits that for at least that the definiteness of the limitation of a "platform" recited in the claims was analyzed in accordance with the level of ordinary skill in the art and in light of the specification. The specification describes a "platform" as "<u>may</u> be identified as any software upon which the application depends but cannot be installed as part of the deployed application install (emphasis added)" *(see page 17, lines 11-25)*. Such description provided by the Applicant is, at most, an exemplary instance of the term rather than an *explicit and deliberate definition* for the term.

Examiner is unable to find any explicit and deliberate definition that is clearly or distinctly associated with the term. Such definition is neither recited in the instant claims nor in the original disclosure. Therefore, the Examiner further submits that those of ordinary skill in the art would give a "platform" its ordinary and customary meaning due to the lack of an explicit and deliberate definition associated with such a term.

Second, with respect to the Applicant's assertion that the operating system of Curtis "determines whether the dependent components indicated in the dependency object are installed in the computer" is different than the instant claims, the Examiner respectfully submits that inasmuch as Curtis "determines whether the dependent components indicated in the dependency object are installed in the computer," the plain language of the claims only requires "determin[ing] whether a platform necessary to the application is present on the client computing system." Thus, the claims are only limited to the scope of such. As the claims are interpreted as broadly as their terms reasonably allow (see MPEP § 2111.01(I)), the interpretation of a broad limitation of a "platform" as a dependent component and the like by one of ordinary skill in the art is considered to be reasonable by its plain meaning.

Third, with respect to the Applicant's assertion that Curtis fails to teach or suggest that the dependent components indicated in the dependency object cannot be installed as part of the deployed application install, the Examiner respectfully submits that Curtis discloses that the operating system "determines whether the dependent components indicated in the dependency object are installed in the computer" *(see Column 3: 61-67)*. Curtis also discloses that "an indication is made as to the dependent components that are not installed after determining that dependent components are not installed" *(see Column 3: 61-67)*. Thus, one of ordinary skill in

the art would readily recognize that the dependent components upon which the program depends

that are not installed as part of the program install are the dependent components that cannot be

installed as part of the program install.

Fourth, as previously pointed out in the Non-Final Rejection (mailed on 05/22/2008) and

further clarified hereinafter, the Examiner respectfully submits that Curtis clearly discloses

"issue a query of an install state of the client computing system to determine whether a platform

necessary to the application is present on the client computing system" *(see Column 3: 61-67,*

"The program then executes the operating system command to determine whether the dependent

components indicated in the dependency objects are installed in the computer."). Note that the

operating system determines whether the dependent components indicated in the dependency

objects are installed in the computer (determine whether a platform necessary to the application

is present on the client computing system). Examiner further submits that Curtis also clearly

discloses "receive the install state of the necessary platform present on the client computing

system" *(see Column 3: 61-67, "An indication is made as to the dependent components that are*

not installed after determining that dependent components are not installed."). Note that an

indication is made of the dependent components that are not installed (receive the install state of

the necessary platform).

Therefore, for at least the reasons set forth above, the rejections made under 35 U.S.C. §

103(a) with respect to Claims 27, 45, and 46 are proper and therefore, maintained.

In the Remarks, Applicant argues:

b)   Applicant submits that the Examiner has not identified some evidence of a reason from

the cited references themselves or from the knowledge of one of ordinary skill in the art that

would have led one of ordinary skill in the art at the time of the invention (hereinafter, "OOSA")

to combine the disclosures of the cited references in the manner claimed. More specifically, there

is no reason to combine because:

- the Examiner has not provided any objective and particular evidence showing why

  OOSA would be prompted to combine the teachings of the two references.

Examiner's response:

b)   Examiner disagrees. With respect to the Applicant's assertion that the Examiner has not

provided any objective and particular evidence showing why one of ordinary skill in the art

would be prompted to combine the teachings of the two references, the Examiner respectfully

submits that Benitez is within the field of the Applicant's endeavor and hence is analogous prior

art because Benitez's invention is directed to streaming of computer program object code across

a network in a computer environment. Curtis is concerned with the same problem which the

Applicant sought to be solved and hence is analogous prior art because Curtis' invention is

directed to checking dependencies of installed components. Therefore, it is permissible to

combine the teaching of Curtis into the teaching of Benitez to include the limitations disclosed

by Curtis since Curtis provides a reason for combining the elements in the manner claimed. See

MPEP § 2141.01(a).

        Therefore, for at least the reasons set forth above, the rejections made under 35 U.S.C. §

103(a) with respect to Claims 27, 45, and 46 are proper and therefore, maintained.

In the Remarks, Applicant argues:

c)   As in Ex parte Rinkevich, Applicant submits OOSA would have no reason to combine

the teachings of Benitez with Curtis because Benitez already addresses preventing utilizing a

spoof database to insure that the necessary files were available, (Benitez, col. 7, lines 7-22)),

OOSA having common sense would not have reasonably looked to Curtis for such teaching since

Benitez had already addressed the problem.

Examiner's response:

c)   Examiner disagrees. With respect to the Applicant's assertion that one of ordinary skill in

the art would have no reason to combine the teachings of Benitez with Curtis because Benitez

already addresses preventing utilizing a spoof database to insure that the necessary files were

available, the Examiner respectfully submits that inasmuch as Benitez utilizes a spoof database

that contains pseudo links for the necessary files to execute, it is Benitez's solution of ensuring

that the dependent files are available during the execution of an application. Curtis teaches

another solution of ensuring that the dependent files are available during the execution of an

application by querying the client computer. Examiner further submits that the process of

checking whether dependent components are installed when installing a program is well-known

to one of ordinary skill in the art and also conventional in the area of software installation. Thus,

one of ordinary skill in the art having common sense would have reasonably looked to Curtis'

solution to implement an alternate means of ensuring that the dependent files are available during

the execution of an application.

Therefore, for at least the reasons set forth above, the rejections made under 35 U.S.C. §

103(a) with respect to Claims 27, 45, and 46 are proper and therefore, maintained.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure.

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Q. C./

Examiner, Art Unit 2191

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191